

**SUPREME COURT MINUTES  
WEDNESDAY, MAY 4, 2011  
SAN FRANCISCO, CALIFORNIA  
AMENDED\***

**S192516**      E050497 Fourth Appellate District, Div. 2      **FREDERICK (RYAN DOUGLAS) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to June 1, 2011, or the date upon which review is either granted or denied. This order is entered nunc pro tunc as of May 4, 2011.

**S146528**      **PEOPLE v. SNYDER  
(JANEEN MARIE) &  
THORNTON (MICHAEL  
FORREST)**

Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Michael Forrest Thornton for the direct appeal in the above automatic appeal now pending in this court.

**S146528**      **PEOPLE v. SNYDER  
(JANEEN MARIE) &  
THORNTON (MICHAEL  
FORREST)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Tracy J. Dressner is hereby appointed to represent appellant Janeen Marie Snyder for the direct appeal in the above automatic appeal now pending in this court.

**S156543**      **MILLER ON DISCIPLINE**

Probation revoked

The court orders that the probation of HARRY TOM MILLER, State Bar Number 104709, is revoked. The court further orders that:

1. HARRY TOM MILLER is suspended from the practice of law for one year.
2. HARRY TOM MILLER is given credit towards the one-year suspension for the period of involuntary inactive enrollment which commenced on January 29, 2011.

HARRY TOM MILLER must also comply with California Rules of Court, rule 9.20, and perform

the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S192579****NEUMANN ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHAEL JAMES NEUMANN, State Bar Number 74837, as a member of the State Bar of California is accepted.

MICHAEL JAMES NEUMANN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192580****NOLAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PETER FRANCIS NOLAN, State Bar Number 52666, as a member of the State Bar of California is accepted.

PETER FRANCIS NOLAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192583****PENKOFF ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEPHEN DANIEL PENKOFF, State Bar Number 86613, as a member of the State Bar of California is accepted.

STEPHEN DANIEL PENKOFF must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192584****SALTER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JANICE ANN SALTER, State Bar Number 85583, as a member of the State Bar of California is accepted.

JANICE ANN SALTER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days,

respectively, after the effective date of this order.

**S192586****SIMMONS ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FRANK CHAPMAN SIMMONS, State Bar Number 40571, as a member of the State Bar of California is accepted.

FRANK CHAPMAN SIMMONS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192591****THEISEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RONDA MARIE THEISEN, State Bar Number 124704, as a member of the State Bar of California is accepted.

RONDA MARIE THEISEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192594****WARTBURG-O'MALLEY ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DIANE ELIZABETH WARTBURG-O'MALLEY, State Bar Number 149913, as a member of the State Bar of California is accepted.

DIANE ELIZABETH WARTBURG-O'MALLEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192617****ADAMSON ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARRY LYNN ADAMSON, State Bar Number 65006, as a member of the State Bar of California is accepted.

BARRY LYNN ADAMSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S192618****ALLISON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LESLEY ANNE ALLISON, State Bar Number 109504, as a member of the State Bar of California is accepted.

LESLEY ANNE ALLISON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**1017623-11**

The HONORABLE ORVILLE A. ARMSTRONG, Associate Justice of the Court of Appeal, Second Appellate District, Division Five, is hereby assigned to assist the Supreme Court, as a justice thereof, on May 4, 2011, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
MAY 31 and JUNE 1, 2011**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on May 31 and June 1, 2011.

**TUESDAY, MAY 31, 2011 — 2:00 P.M.**

- (1) S068863 People v. Scott (David Lynn) [Automatic Appeal] (*Aaron, J., assigned justice pro tempore*)
- (2) S045696 People v. Garcia (Randy Eugene) [Automatic Appeal] (Kane, J., assigned justice pro tempore)
- (3) S045078 People v. Clark (Royal) [Automatic Appeal] (Kriegler, J., assigned justice pro tempore)

**WEDNESDAY, JUNE 1, 2011 — 9:00 A.M.**

- (4) S082828 People v. Thomas (Correll Lamont) [Automatic Appeal] (Jenkins, J., assigned justice pro tempore)
- (5) S076582 People v. Blacksher (Erven R.) [Automatic Appeal]

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*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**Note:** In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been or will be assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotation procedure. (A revised calendar will be issued as soon as possible after the additional justice pro tempore is assigned.)

**\*SUPREME COURT MINUTES  
WEDNESDAY, MAY 4, 2011  
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Wednesday, May 4, 2011, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, and Corrigan.

**NOTE:** In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotation procedure.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

The Honorable Joan K. Irion, Associate Justice, Court of Appeal, Fourth Appellate District, Division One, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S180862

Robert A. Brown et al., Plaintiffs and Appellants,  
v.  
Stewart Mortensen, Defendant and Respondent.

Cause called. Robert A. Brown argued for Appellants.  
Charles R. Messer argued for Respondent.

Mr. Brown replied.  
Cause submitted.

Justice Irion, not participating in consideration of the following case, will not join the bench.

The Honorable Victoria M. Chavez, Associate Justice, Court of Appeal, Second Appellate District, Division Two, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S107856

In re Mark Christopher Crew on Habeas Corpus.

Cause called. Andrew Love, Office of the State Public Defender Appointed Counsel, argued for Petitioner.  
Glenn R. Pruden, Office of the Attorney General, argued for Respondent.

Mr. Love replied.  
Cause submitted.

Justice Chavez, not participating in consideration of the following case, will not join the bench.

The Honorable Judith L. Haller, Associate Justice, Court of Appeal, Fourth Appellate District, Division One, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S076175

The People, Respondent,  
v.  
Eloy Loy, Appellant.

Cause called. Marianne Bachers, Office of the State Public Defender Appointed Counsel, argued for Appellant.  
Susan Sullivan Pithey, Office of the Attorney General, argued for Respondent.

Ms. Bachers replied.  
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.  
Members of the court and officers present as first shown.

Justice Haller, not participating in consideration of the following case, will not join the bench.

The Honorable H. Walter Croskey, Associate Justice, Court of Appeal, Second Appellate District, Division Three, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S180720                      Save the Plastic Bag Coalition, Plaintiff and Respondent,  
   v.  
   City of Manhattan Beach, Defendant and Appellant.

Cause called. James Moose argued for Amicus Curiae Californians  
Against Waste.  
Christian Marsh argued for Appellant.  
Stephen L. Joseph argued for Respondent.

Mr. Moose replied.  
Cause submitted.

Justice Croskey, not participating in consideration of the following case, will not join the bench.

The Honorable Brad R. Hill, Administrative Presiding Justice, Court of Appeal, Fifth Appellate District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S182629                      Joseph L. Shalant, Plaintiff and Appellant,  
   v.  
   Thomas V. Girardi et al., Defendants and Respondents.

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And Consolidated Case.

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Cause called. Martin Buchanan argued for Respondents.  
Joseph L. Shalant, In pro per, argued for Appellant.

Mr. Buchanan replied.  
Cause submitted.



Justice Hill, not participating in consideration of the following case, will not join the bench.

The Honorable Richard D. Huffman, Associate Justice, Court of Appeal, Fourth Appellate District, Division One, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S180181

The People, Plaintiff and Respondent,

v.

Melissa Kay Murphy, Defendant and Appellant.

Cause called. Helen Izra, Court-appointed Counsel, argued for Appellant.

Meredith Strong, Office of the Attorney General, argued for Respondent.

Ms. Izra replied.

Cause submitted.

Court recessed until Thursday, May 5, 2011, at 9:00 a.m.